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Board of Vocational Nursing
and Psychiatric Technicians

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN 2009 149

ANDREH FAZELIMOGHADAM
a.k.a., ANDREH FAZALIMOGHADAN
4434 Ellenmeed Drive
Los Angeles, CA 90041

A C C U S A T I O N

Vocational Nurse License No. VN 212848

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 14, 2005, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 212848 to Andreh Fazelimoghadam, also known as Andreh Fazalimoghadan (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein, expired on October 31, 2010, and has not been renewed.

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1 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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3 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
4 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
5 evidence of the conviction.

6

7 "(j) The commission of any act involving dishonesty, when that action is related to the
8 duties and functions of the licensee."

9 **REGULATORY PROVISIONS**

10 8. California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

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12 "(b) A licensed vocational nurse shall adhere to standards of the profession and shall
13 incorporate ethical and behavioral standards of professional practice . . .

14 "(c) A violation of this section constitutes unprofessional conduct for purposes of initiating
15 disciplinary action."

16 9. California Code of Regulations, title 16, section 2521 states, in pertinent part:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
18 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
19 considered to be substantially related to the qualifications, functions or duties of a licensed
20 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
21 vocational nurse to perform the functions authorized by his license in a manner consistent with
22 the public health, safety, or welfare."

23 **COST RECOVERY**

24 10. Section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially-Related Crime)

11. Respondent is subject to disciplinary action under sections 2878, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a licensed vocational nurse, as follows:

a. On or about March 24, 2010, after pleading *nolo contendere*, Respondent was convicted of one felony count of violating Penal Code section 646.9 subdivision (b) [stalking] and one felony count of Penal Code section 245, subdivision (a)(1) [assault with a deadly weapon] in the criminal proceeding entitled *The People of the State of California v. Andreh Fazelimoghadam* (Super. Ct. Los Angeles County, 2010, No. GA077341). The Court sentenced Respondent to 4 years in State Prison, as to count one, 4 years in State Prison, as to count five, and denied probation. The circumstances surrounding the conviction are, as follows:

b. On or about July 13, 2009, Respondent followed Bella O. on the 2 Freeway in Glendale, CA, cut in front of her, and forced her to sudden stop. He sped ahead of her, waited for her to exit on the Holly off ramp right shoulder, and deliberately drove his vehicle into her lane, in front of her, and cut her off. Bella O. did not have time to stop, hit Respondent's vehicle on the driver side of his car, and sped away. After the collision, Respondent sent several threatening text messages to Bella O. that stated, "If you reported me then be ready...All of you..." and "You can call police now...I am ready...I will text and call all your friends and give the final warning...Will wait for your answer before I call every body...don't go to work tomorrow...First give me answer" and "Get ready for our last ride in you car soon..." and "I am losing my temper...Get ready."

c. On or about June 19, 2009, Respondent confronted Bella O. in the parking lot of Zancou Chicken, in Glendale, CA, grabbed her by the neck with an empty hand, and demanded that she remove the restraining order against him.

d. On or about May 30, 2009, Respondent broke into the residence occupied by Bella O. and assaulted her with a knife.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unethical Behavior)**

3 12. Respondent is subject to disciplinary action under section 2878, subdivision (a), in
4 conjunction with California Code of Regulations, title 16, section 2518.6, subdivision (b) and (c),
5 on the grounds of unprofessional conduct, in that Respondent failed to adhere to standards of the
6 profession and ethical and behavioral standards of professional practice when he failed to express
7 his anger and frustrations in an appropriate manner, and violated court orders in *People v.*
8 *Fazelimoghadam, supra*. Complaint refers to, and incorporates by this reference, the allegations
9 set forth above in paragraph 11, subparagraphs a - d, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dishonest Acts / Unprofessional Conduct)**

12 13. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and /
13 or (j), in that Respondent committed acts of unprofessional conduct and / or dishonest acts when
14 he caused the Court to issue Restraining Orders against him and his subsequent violations of the
15 restraining orders. Complaint refers to, and incorporates by this reference, the allegations set
16 forth above in paragraphs 11 - 12, as though set forth fully.

17 **DISCIPLINARY CONSIDERATIONS**

18 14. In order to determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges the following:

20 a. On or about October 14, 2004, simultaneous with the issuance of Vocational Nurse
21 License No. VN 212848, the Board issued a Notice of Warning letter to Respondent. The letter
22 was a notice to Respondent that "The Board does not condone your past criminal behavior and
23 will not tolerate a return to that behavior. Nursing assignments can be quite stressful, however
24 the Board expects licensees to express their anger and frustrations in an appropriate manner. . . .
25 As a licensed vocational nurse you are responsible for being honest and ethical."

26 b. On or about August 19, 1998, after pleading *nolo contendere*, Respondent was
27 convicted of one felony count of violating Penal Code section 422 [making terrorist threats] in the
28 criminal proceeding entitled *The People of the State of California v. Andreh Fazelimoghadam*

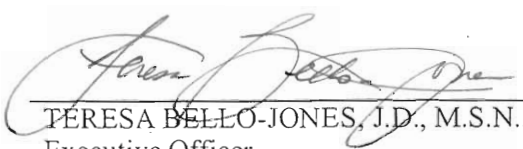
(Super. Ct. Los Angeles County, 1998, No. GA036741). The Court sentenced Respondent to 180 days in Los Angeles County Jail and placed him on 3 years formal probation, with terms and conditions. The circumstances surrounding the conviction are that on or about July 27, 1998, Respondent purposely struck Seda A. on her leg, with his car, as she crossed the street, southbound from the northbound curb of Pioneer Drive, in Glendale CA. Seda A. and Respondent exchanged various words, as he grabbed her purse, and struggled to get away from him. In addition, from in or about January, 1998, Respondent followed Seda A. for several months, made at least 100 threatening calls to her and her husband. He indicated to Seda A. and her husband that he would kill her and or both of them and kidnap their son, if she did not agree to have sex with him. Additionally, Respondent indicated to Seda A. and her husband that they would both be killed if they involved the police. Respondent was subsequently arrested for violating Penal Code section 646.9, subdivision (a) [stalking], Penal Code section 422 [making terrorist threats], Penal Code section 524 [extorting sex by using terrorist threats], and Penal Code section 245, subdivision (a)(1) [assault with a deadly weapon].

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 212848, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: May 24, 2011.


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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